

563 "chief-elder". The charismatic character of such an elder is of
622 prime importance. His wealth, his public influence, his reputa-
[554] tion, his military ability and his moral integrity form the basis
of his social status.

692 Internal order is maintained by unwritten common law. Judges
563 act by custom and conscience alone. When a cause of action arises,
671 the litigants, in lieu of blood-vengeance, agree to refer the matter
to a court of their own choosing and to abide by its decision. Either
both sides agree on one or two baks to settle the case, or each
selects a bak, and a third man is chosen as arbiter. Civil and
criminal law are not distinguished. Crimes are really torts, and
[674] can be settled out of court by compromise. Hence, the criminal
[681] is not punished; he simply pays damages, which represent a sort
of compounding of the earlier lex talionis. Custom prescribes a
681 graded schedule of damages, ranging from a wergild (kun) of 100
563 horses, 1000 sheep, or 50 camels for homicide, through lesser
payments in cattle for adultery, fraud, and serious personal in-
juries or assault, to a horse and a robe or skin for slander,
breaking a finger or tooth, and minor assaults. The full wergild
must be paid for killing a man, one-half for a woman or slave,
and one-third for a child under ten. The circumstances and in-
tent are not considered. However, a man pays no penalty for
killing his child, slave or adulterous wife. For cattle theft, a
man must restore the stolen animals and, in addition, pay twice
their number as damages. For rape of an unbetrothed girl he
must marry the girl, give her father the usual bride-price, and
pay him a fine of nine head of cattle.

563 Usually before a boy reaches the age of ten, his father seeks
584 a wife for him. Neither the boy nor the girl has much voice in
[614] the transaction. Since the nomadic Turks practice strict clan
exogamy the boy's father must select a girl of suitable qualifica-
tions from another clan. He then sends matchmakers to her
father to arrange the bride-price "kalym". Except where a
563 brother and sister are married by exchange to a sister and
583 brother, marriage is always by purchase. The bride-price,
584 payable in horses, cattle, sheep and camels, varies with the
means of the groom and the desirability of the bride, forty animals
representing perhaps an average kalym. In return, the bride
takes with her from her father's home a dowry, much inferior in
value, consisting usually of a yurt, a riding horse or other
animals, a chest of clothing, rugs, beddings, and other house-
hold articles. Marriage is deferred until the children attain
[582] their majority.
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B. The Western (Oirat) Mongols (See also IMAR, Social Structure)

563 After the decline of the Mongolian Empire in the 14th century,
175 the Western Mongols (the tribes Choros, Khoit, Khoshut and Torgut) of Dzungaria established the so-called Oirat Federation. Its social structure is best summarized in the Oirat codex [691] Chaghajachi yin bichik "Book of the Judges", based on the Jassa of Chingis Khan.

563 Life within the extended family is absolutely patriarchal.
596 Although polygyny is not mentioned in the codex it is an accepted
[595] part of the society. The children of concubines are legitimate.
[671] The order of precedence among the children depends on the
[851] social status of their mothers.

563 After the father's death, the eldest son inherits everything,
428 including the father's wives and concubines with the exception of his own mother. Inheritance as well as descent follows the male line.

563 Among the Western Mongols clan exogamy is strictly observed,
614 especially among the Torguts and Khoshuts of Sinkiang. Marriage
583 entails the payment of a bride-price of at least two horses, two cows and twelve sheep. The bride-price for an aristocratic girl is considerably higher and consists of several dozen camels,

563 horses and sheep. If a wife is divorced she is not permitted to
586 take with her anything which has been given to her by her husband.

563 According to the Chaghajachi-yin bichik the Oirats were organ-
631 ized into ail, khoshun (banners) and aimak. In Sinkiang there are two khoshun of Torguts, one khoshun of Khoshuts and seven khoshun of Uriangkhai. The Khoshuts of the Alashan Area and the Torguts of the Edsin Gol Area each constitute one khoshun. Each khoshun lives on land and pastures with well-defined boundaries.

563 The same source details the various strata of Oirat society.
565 It subdivides the entire Oirat population into three groups. The nobility (taiji) belong to the first group, the darkhans (soldiers, warriors, flag-bearers who are tax-exempt people) belong to the second group, and the kara kulum (plebians) belong to the third group. Cutting across these other divisions is the highly respected group of monks (Llama, Ho-brog or pandit) who are also tax-exempt.

563 The Oirat princes are subdivided into six different ranks:

565 a) Ch'in-Wang b) Chün-Wang c) Beile c) Beise d) Chen-kuo-kung
554 and f) Hu-kuo-kung. The Oirat taijis have four ranks, e.g., the ruling leader of a khoshun who is called khoshun-u jasak is a taiji of the first rank. Besides these ranks honorary titles

[651] exist such as: erdeni "jewel", darkhan "master", tuisiyetti "pillar, support", daiching "hero", dalai "ocean" and batur "hero" etc. The Khoshun-u jasak is the ruler of his banner. Commoners pay him tribute in the form of cattle or agricultural products.

/The New Uighurs/

563 The Sinkiang nomad must buy his bride
[184] with a bride-price, but the sedentary Sinkiang bride is given
[583] away by her father. In addition he even pays all wedding ex-
[584] penses. Marriages are arranged by a "go-between", who usu-
[586] ally occupies a higher social position than either the bride or
[589] groom's families. As in all Moslem communities, divorce is
a relative simple matter for the male. Therefore, a consid-
erable number of women without family attachments are present
in all Uighur communities. These unattached women are usu-
ally engaged in employment as tailors, cooks, or weavers, and
thereby form a distinct social unit. As a rule they are identi-
fied with the household of their employer.

563 In general, all Uighurs are individualistic in character.
621 However, the structure of the community with its irrigational
182 problems gives them a collectivist outlook on life in parts.
[181] The families that form such an Uighur community are by no
means bound together by kinship obligations. Their communal
cooperation rests exclusively on the fact that without collective
effort and labor the community would perish.

563 Prior to 1949, no organized youth groups existed in Uighur
[561] communities, since in any Islamic community the male child
begins to participate in the activities centered around the
mosque at a very early age. All other youth groups were dis-
couraged. The young Uighur man becomes a full member of
[585] the community at the time of his marriage. He will receive
[885] title to any land or water rights only upon the decease of the
eldest male member of his family. Until then both he and his
wife work as members of the extended family group. A young
merchant usually will act as his father's representative until
the father's retirement from business affairs or his death.

563 Merchants are bound together in "guilds". However, these
441 associations are not official institutions but were natural out-
growths of the merchants' self-protecting interests. Should
any member of the community be guilty of not paying his debts,
he will be prosecuted by the members of such a "guild", even
though he may have moved to another community. In each
locality or city, the merchant's "guild" is organized under the
leadership of an aqsagal, who functions as a public official.

563 Individuals of the Uighur community who do not inherit any
166 land, move to non-irrigated areas which nevertheless show
241 possibilities of being irrigable. These new irrigation pro-
425 jects are usually undertaken as the collective effort of several
families who move as a group to such a new area. This prac-
tice may explain population increases in Uighur occupied
areas.

563 New industries and the further development of natural
198 resources may have some influence upon Uighur social struc-
ture, since these factors increase the wealth of both the

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Sedentary Moslems of Sinkiang/

(588) Prostitution is not widespread among the Moslem Turks, and in many places it is hardly known. Travellers who are separated from their wives often will contract temporary marriages when they are in strange towns for a length of time. At the time that this marriage is contracted, a future divorce is written also. There are, however, quite a few Chinese prostitutes in the main cities where the Chinese reside in great numbers.

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B. Marriage and Divorce Customs

Among the Moslem Turks of Northwest China the marriage age is usually 12-14 for girls, and 15-16 for boys. The Islamic religion considers incestuous such combinations as the following: brother and sister, uncle and niece, stepfather and stepdaughter, aunt and nephew, stepson and widowed stepmother, etc. Besides these restrictions, it is considered unethical to marry one's daughter to an infidel, a Chinese, a Tibetan, a Hindu, or a Mongol.

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Matchmaking is a necessary prelude to marriage. The matches are usually concluded by the parents while the individuals concerned have little to say in the issue. It is not uncommon for parents to arrange their children's marriage before they reach marriage age or even soon after they are born. Next to the parents, the matchmakers play the most important role in the conclusion of a marriage. In some places the matchmakers are close male relatives of the bridegroom's father; in others, this role often is given to women, who engage in concluding deals of this kind.

The usual procedure is for the matchmakers, authorized by the father of the boy, to go to the prospective bride's parents to discuss the matter with her father. If they receive the consent of the girl's parents to consider the matter, they go back to the boy's father and inform him of the developments. He then sends a present of a sheep to the girl's house five or six days later, and comes with his family to discuss the gifts that his son is going to give the bride and arrangements for the wedding. The former issue usually involves much bargaining and disputing. The young man pays no actual bride-price for his wife, but he has to give her gifts consisting of clothing items and jewelry. The value of the presents often depends on the wealth and social status of the bridegroom's family. Once an agreement has been reached, the sheep is slaughtered for the occasion and the engagement of the couple is celebrated. The wedding gifts are brought to the bride's parents, and their acceptance is considered the final conclusion of the agreement.

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If it is the first marriage of the girl importance is attached to the wedding ceremony. Her parents extend an invitation to a great many relatives and friends or, if rich, they may invite the whole village or the whole neighborhood to the celebration. The mullas, who will conduct the religious ceremony, are also present. The

/Nomadic Moslems of Sinkiang/

563 Children and parents relationships differ also. They are charac-
593 terized by a much greater economic interdependence. The children
[369] of the city-dwellers have a certain degree of economic independ-
[434] ence, and have a small income of their own at an early age, but
no opportunity of the sort presents itself to the nomadic children.
[868] The sons help their fathers and learn from them how to manage
the livestock, how to shoot and hunt, how to bargain and sell, etc...
they remain attached to their families even after marriage, having
no separate property of their own.

[868] The daughters have much to learn from their mothers, in
preparation for the many responsibilities that they will have in the
future, and their help around the house is extremely valuable and
necessary. A daughter, however, does not retain her relation-
ship with her family after she is married, but shifts her allegiance
to her husband's family.

563 In the nomadic society, families constitute definite units of
592 production. This is the basis for their unity and close cooperation.
It is almost impossible for a couple to get along without the help
of their children and it is rare that their children would be able
to become economically independent. Moreover, the family frame-
work provides for the educational, religious, and social needs for
the individuals comprising it.

563 B. Marriage and Divorce Customs

584 Among the Turkis of the plains, for example at Kashgar,
582 women are at a discount, wives are cheap and divorces even cheaper.
583 Among the mountain people (particularly among the Kirghiz) how-
[586] ever, girls are at a premium and the would-be-bridgroom or his
father has to pay a heavy brideprice, which usually amounts to ten
to thirty yaks or their equivalent in other kinds of livestock. When
563 a boy has reached the age of six or seven and therefore may be
584 expected to survive until manhood, his parents ordinarily betroth
him to a neighbor's daughter of similar age. This betrothal is
known as the qalam. The female relatives of both parties play a
[583] leading part in the lengthy haggling about the brideprice which
precedes it.

563 When all yaks have been paid, and the young people have reached
585 the age of fourteen and sixteen years respectively, the bride's
people invite all the neighbors to a feast at which the marriage is
announced. The bride and bridegroom remain in their tents in the
background and do not attend. The feast and announcement, known
as the nikah, constitute the wedding, there being no other cere-
mony. However, the bridegroom cannot yet take his bride to his
own home. She continues to live with her parents for a period of
two to five months, during which the latter make and furnish an
aq-oi (tent with its felts, rugs, wall hangings, screens, pots, pans,
milk bowls, and other necessary items. The bridegroom continues

/The Kirghiz/

563 When a Kirghiz travels, he brings along a few balls of qurut and
262 supplements them with wild rhubarb and celery which he finds
[484] on the mountainsides.

[1735] Bread is made in solid lumps leavened with sour milk. The poor cannot afford bread. They eat large quantities of mash. Meat is a luxury. A sheep is killed only on an important occasion, but when the hunter is successful his family enjoys game meat.

c. Clothing

563 The people dress in keeping with the severity of the climate.
291 Men wear long coats padded with cotton-wool. Trousers are also padded, and tucked into the leather knee-boots. Fur caps are pulled down over the ears to protect them from the bitter cold. Leather slippers are worn inside the boots, and the boots are removed when one enters the tent.

Women's dress is similar to that of the men, except for the headgear. The women's headdress is a large turban of muslin or similar cloth, nine to twelve inches high and of corresponding thickness. For dress, men wear embroidered skullcaps surmounted by sheepskin hoods lined with wool. They also sometimes wear a conical hat with two slits at the bottom to allow the brim to turn up.

3. Custom

563 Girls are at a premium in Kirghiz society, and the father of
• 583 a would-be bridegroom has to pay a handsome price for the
562 bride in money or its equivalent in livestock (thirty to three hundred sheep and two to thirty camels). Parents betroth their son when he reaches the age of six or seven, to some neighbor's daughter of about the same age. A bride price is then settled by women relatives of both families. The boy's father pays a first annual installment, and the girl's father gives the boy a shirt or coat as a token of the betrothal. Then the marriage contract is complete. If for any reason the contract is broken, the installments paid are refunded. When the agreed amount has been paid in full and the bride and groom have reached the proper age (fourteen for girls, sixteen for boys), the boy's parents invite all the neighbors to a feast and announce the marriage. The bride and groom do not attend the feast, but remain in their tents all day. There is no ceremony. The feast and announcement, known as the Nikah, constitute the wedding.

563 The bridegroom is not yet allowed to take his bride away
585 from her home. She continues to live with her parents for two
591 to five months, during which time her parents make and furnish a tent (aq-ai) for them. Meanwhile the boy remains at home, if it is nearby, or in a tent lent him by the girl's parents. He may go every seven or ten days and stay with the girl in her tent, but the visits must be kept secret from her father. If he appears before his father-in-law, it must be as a stranger.